

**ASSEMBLY BILL**

**No. 2888**

**Introduced by Assembly Member Strom-Martin**

February 25, 2002

---

An act to amend Sections 8045 and 8047 of, and to add Sections 7862.5 and 8105 to, the Fish and Game Code, relating to fishing, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 2888, as introduced, Strom-Martin. Fishing.

(1) Existing law, until January 1, 2007, establishes the Commercial Salmon Trollers Advisory Committee to recommend programs and a budget from the Commercial Salmon Stamp Account to the Department of Fish and Game.

This bill would authorize the committee, upon approval of the Director of Fish and Game, to contract with a nonprofit organization for the creation of a salmon stamp for public sale to support the salmon stamp program for 2002 or any year thereafter, including artwork for a stamp or stamps and for other materials. The bill would require all funds collected from the sale of the stamps and other materials to be deposited into the Commercial Salmon Stamp Account. By authorizing a new source of revenue to be deposited into a continuously appropriated fund, the bill would make an appropriation.

The bill also would authorize the committee, upon approval by the director, and upon appropriation, to authorize for expenditure an amount not to exceed 7% of the total amount of funds in the account for the purposes of contracting for the creation and sale of salmon stamps.

(2) Existing law requires each commercial fisherman or his or her designee, who transports, causes to be transported, or delivers to another person for transportation, any fish, except herring, taken from the waters of this state or brought into this state in fresh condition, to fill out a transportation receipt according to the instructions and on forms provided by the department at the time the fish are brought ashore.

This bill would authorize any fisherman's retail licensee who is selling his or her fish to a licensed receiver to use a transportation receipt to transport those fish to the licensed receiver, who would be required to complete a landing receipt for those fish. The bill would prescribe the information required to be included in the transportation receipt.

(3) Existing law requires the names used in certain landing receipts for designating the species of fish dealt with to be those in common usage, unless otherwise designated by the department.

This bill would make that requirement applicable also to the names used in transportation receipts.

(4) Existing law establishes "limited entry fisheries," which are fisheries in which the number of persons who may participate or the number of vessels that may be used in taking a specified species of fish is limited by statute.

This bill would authorize the Fish and Game Commission to waive the landing requirements for any fishery for a period not to exceed 7 years, if landings are required for the renewal of a permit, if it finds that requiring landings for the renewal of permits in the fishery will result in an undesired increase in fishing effort, or conflict with conservation measures implemented to protect fish stocks, marine mammals, sea birds, or sea turtles, or cause undue economic hardship for persons holding permits in that fishery.

(5) Existing law continuously appropriates the money in the Fish and Game Preservation Fund to the department and the commission to carry out the Fish and Game Code.

By imposing new duties on the department and the commission, the bill would make an appropriation.

(6) Because existing law makes a violation of the provisions of this bill a crime, this bill would impose a state-mandated local program by creating new crimes.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state.



Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(7) The bill would declare that it is to take effect immediately as an urgency statute.

Vote: <sup>2</sup>/<sub>3</sub>. Appropriation: yes. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 7862.5 is added to the Fish and Game  
2 Code, to read:  
3 7862.5. (a) The Commercial Salmon Trollers Advisory  
4 Committee, upon approval of the director, may contract with a  
5 nonprofit organization for the creation of a salmon stamp and other  
6 materials for public sale to support the salmon stamp program for  
7 2002 or any year thereafter, if the committee determines, and the  
8 director agrees, that the sale of the salmon stamps and other  
9 materials to the public would do both of the following:  
10 (1) Result in increased funds available for the salmon stamp  
11 program, over and above implementation and reasonable  
12 administrative costs, and not cause an undue administrative  
13 burden on the department.  
14 (2) Result in increased public awareness and support for the  
15 salmon stamp program and the restoration of salmon and their  
16 habitats in the state.  
17 (b) The contract entered into pursuant to subdivision (a) may  
18 include a provision for artwork for a stamp or stamps or for other  
19 materials.  
20 (c) All funds collected from the sale of stamps and other  
21 materials authorized pursuant to this section shall, after payment  
22 of all contractual fees and reasonable administrative fees, be  
23 deposited into the Commercial Salmon Stamp Account  
24 established pursuant to Section 7861.  
25 (d) For each year that salmon stamps or other materials are sold  
26 to the public, the committee shall establish, and the director shall  
27 approve, the cost of the stamps and other materials.

(e) No salmon stamp or other materials sold to the public pursuant to this section may authorize any person to engage in any commercial salmon fishing activity.

(f) The committee, upon approval by the director, and upon appropriation for that purpose, may authorize for expenditure an amount not to exceed 7 percent of the total amount of funds in the Commercial Salmon Stamp Account for the purposes of contracting for the creation and sale of salmon stamps. The director may not approve an amount for expenditure unless the committee has made a finding that the amount generated by the sale of stamps and other materials and deposited into the account is insufficient to fund the cost of the contractual obligation. Prior to authorizing an expenditure of funds, the committee shall review and approve a written business plan submitted by a contractor for the creation and sale of a salmon stamp or stamps and other materials. The committee is not required to authorize the expenditure of any funds in order to enter into a contract for the creation and sale of a salmon stamp or stamps and other materials.

(g) The department, in consultation with the committee, may adopt regulations to implement this section.

SEC. 2. Section 8045 of the Fish and Game Code is amended to read:

8045. The names used in the landing receipt *and transportation receipt* made under ~~Section~~ Sections 8043 and 8047 for designating the species of fish dealt with shall be those in common usage unless otherwise designated by the department.

SEC. 3. Section 8047 of the Fish and Game Code is amended to read:

8047. (a) (1) A person licensed under Article 7 (commencing with Section 8030) who takes his or her own fish shall make a legible record in the form of the landing receipt as required by Sections 8043 and 8043.1 at the time the fish are brought ashore. The original signed copy of the landing receipt shall be delivered by the licensee to the department on or before the first and 16th day of each month. A copy of the landing receipt shall be retained by the licensee for a period of four years and shall be available for inspection at any time within that period by the department. A copy of the landing receipt shall be delivered to an agent authorized in writing by the majority of the persons who

1 participated in the taking of the fish, excluding the commercial  
2 fisherman receiving the original copy.

3 (2) *A person licensed under Section 8033.5 who sells his or her*  
4 *fish to a licensed receiver may use a transportation receipt to*  
5 *transport those fish to the licensed receiver. The receiver shall*  
6 *complete a landing receipt for those fish. A person who sells his or*  
7 *her fish to the ultimate consumer shall complete a landing receipt*  
8 *pursuant to Sections 8043 and 8043.2.*

9 (b) Every commercial fisherman who sells fish taken from the  
10 waters of this state or brought into this state in fresh condition to  
11 persons not licensed to receive fish for commercial purposes  
12 pursuant to Article 7 (commencing with Section 8030) shall make  
13 a legible record in the form of the landing receipt required by  
14 Sections 8043 and 8043.1. Persons subject to Section 8043 shall  
15 remit the landing tax imposed by Section 8041. The person taking,  
16 purchasing, or receiving the fish, whether or not licensed under  
17 Article 7 (commencing with Section 8030), shall sign the landing  
18 receipt. The original signed copy of the landing receipt shall be  
19 delivered by the commercial fisherman to the department on or  
20 before the first and 16th day of each month. A copy of the landing  
21 receipt shall be retained by the commercial fisherman for a period  
22 of four years and shall be available for inspection at any time  
23 within that period by the department. A copy of the landing receipt  
24 shall be retained by the person taking, purchasing, or receiving the  
25 fish until they are prepared for consumption or otherwise disposed  
26 of. A copy of the landing receipt shall be delivered to an agent  
27 authorized in writing by the majority of the persons who  
28 participated in the taking of the fish, excluding the commercial  
29 fisherman receiving the original copy.

30 (c) (1) Every commercial fisherman or his or her designee,  
31 who transports, causes to be transported, or delivers to another  
32 person for transportation, any fish, except herring, taken from the  
33 waters of this state or brought into this state in fresh condition,  
34 shall fill out a transportation receipt according to the instructions  
35 and on forms provided by the department at the time the fish are  
36 brought ashore.

37 (2) ~~The name of the person transporting the fish shall be entered~~  
38 ~~on the transportation receipt.~~

39 (3) ~~The original signed copy of the transportation receipt shall~~  
40 ~~be delivered by the commercial fisherman to the department on or~~

1 before the first and 16th day of each month. A copy of the  
2 transportation receipt shall be retained by the commercial  
3 fisherman who filled it out for a period of four years and shall be  
4 available for inspection at any time within that period by the  
5 department. A copy of the transportation receipt shall be given to  
6 and retained by the person transporting the fish until the fish are  
7 sold fresh, processed, or otherwise disposed of.

8 ~~(4)–~~

9 (3) The transportation receipt is required only for transit  
10 purposes.

11 ~~(5)–~~

12 (4) A person transporting fish from the point of first landing  
13 under a transportation receipt is not required to be licensed to  
14 conduct the activities of a fish receiver as described in Section  
15 8033.

16 (5) *The transportation receipt shall be issued to an individual*  
17 *fisherman and is not transferable.*

18 ~~(d) This section shall become operative on April 1, 1997. The~~  
19 ~~transportation receipt shall contain all of the following~~  
20 ~~information:~~

21 *(1) The name of each species.*

22 *(2) The date and time of the receipt.*

23 *(3) The accurate weight of the species of fish being transported,*  
24 *as designated pursuant to Section 8045. Sablefish may be reported*  
25 *in dressed weight, and if so reported, shall have the round weights*  
26 *computed, for purposes of management quotas, by multiplying 1.6*  
27 *times the reported dressed weight.*

28 *(4) The name and identification number of the fisherman. The*  
29 *signature of the fisherman authorizing transportation.*

30 *(5) The name of the person transporting the fish.*

31 *(6) The fish business name and landing receipt number where*  
32 *the fish were sold.*

33 *(7) The department registration number of the boat and the*  
34 *name of the boat.*

35 *(8) The department origin block number where the fish were*  
36 *caught.*

37 *(9) The port of first landing.*

38 *(10) Any other information the department may prescribe.*

39 *(e) The numbered transportation receipt forms in each*  
40 *individual transportation receipt book shall be completed*

1 *sequentially. A voided fish transportation receipt shall have the*  
2 *word "VOID" plainly and noticeably written on the face of the*  
3 *receipt. A voided fish transportation receipt shall be submitted to*  
4 *the department in the same manner as a completed fish*  
5 *transportation receipt is submitted to the department. A*  
6 *commercial fisherman who is no longer conducting business as a*  
7 *licensed fisherman shall forward all unused transportation*  
8 *receipts and transportation receipt books to the department*  
9 *immediately upon terminating his or her business activity.*

10 SEC. 4. Section 8105 is added to the Fish and Game Code, to  
11 read:

12 8105. (a) Notwithstanding any other provision of law, the  
13 commission may waive the landing requirements for any fishery  
14 for which landing receipts were required on or after January 1,  
15 2000, for a period not to exceed seven years, if landings are  
16 required for the renewal of a permit, if it finds that requiring  
17 landings for the renewal of permits in the fishery will do any of the  
18 following:

19 (1) Result in an undesired increase in fishing effort.

20 (2) Conflict with conservation measures implemented to  
21 protect fish stocks, marine mammals, sea birds, or sea turtles.

22 (3) Cause undue economic hardship for persons holding  
23 permits in that fishery.

24 (b) The department, or any person holding a permit in the  
25 affected fishery, may request a waiver from the commission. The  
26 commission may authorize the waiver following not less than one  
27 public hearing and the issuance of findings describing why a  
28 waiver of landing requirements is desirable and the period for  
29 which the waiver is in effect.

30 (c) The commission may extend the time of the waiver,  
31 following a public hearing and for a period not to exceed seven  
32 years, if it finds the same or similar conditions exist that caused the  
33 issuance of the initial waiver of landing requirements.

34 (d) Any person holding a permit for which landing  
35 requirements have been waived shall have his or her permit  
36 renewed upon application and payment of the permit fee as long  
37 as he or she has complied with all other provisions of this code.

38 SEC. 5. No reimbursement is required by this act pursuant to  
39 Section 6 of Article XIII B of the California Constitution because  
40 the only costs that may be incurred by a local agency or school

1 district will be incurred because this act creates a new crime or  
2 infraction, eliminates a crime or infraction, or changes the penalty  
3 for a crime or infraction, within the meaning of Section 17556 of  
4 the Government Code, or changes the definition of a crime within  
5 the meaning of Section 6 of Article XIII B of the California  
6 Constitution.

7 SEC. 6. This act is an urgency statute necessary for the  
8 immediate preservation of the public peace, health, or safety  
9 within the meaning of Article IV of the Constitution and shall go  
10 into immediate effect. The facts constituting the necessity are:

11 In order to allow the sale of salmon stamps and other material  
12 to the public, to permit fisherman's retail licensees to use  
13 transportation receipts, to require that names of species used in  
14 transportation receipts be those in common usage, and to permit  
15 the Fish and Game Commission to waive landing requirements as  
16 soon as possible, it is necessary that this act take effect  
17 immediately.

